

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CONCRETE INDUSTRIES, INC., a
Division of United Building Centers,

Plaintiff,

v.

DOBSON BROTHERS CONSTRUCTION
COMPANY and WESTERN SURETY
COMPANY,

Defendants.

Case No. 06-1325-WEB

CLERK'S EXTENSION

NOW on this 31st day of October, 2006, Defendants, by and through their counsel, Eric Van Beber of Wallace, Saunders, Austin, Brown & Enochs, Chtd., respectfully request an extension of ten (10) days within which to answer or otherwise plead to Plaintiff's Complaint pursuant to D.Kan.R. 77.2. Defendants' removed this case from State Court on October 30, 2006, and therefore under Fed. R. Civ. P. 81(c) has five (5) days from the date of removal to answer or otherwise respond to Plaintiff's Complaint. Thus, Defendants' original response to the Complaint is due on or before November 4, 2006. Therefore, the originally prescribed time has not expired, and an additional ten (10) days would allow for a response on or before November 14, 2006.

IT IS THEREFORE ORDERED that Defendants are granted an additional ten (10) days, or until November 14, 2006, within which to answer or otherwise plead to the Complaint of Plaintiff filed herein.

Ralph DeLoach, Clerk of the Court

s/ R. Moody

Deputy Clerk

Respectfully submitted by,

WALLACE, SAUNDERS, AUSTIN,
BROWN & ENOCHS, CHTD.

By /s/ Eric Van Beber
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2006, I electronically submitted the foregoing to the Clerk of the Court via e-mail.

/s/ Eric Van Beber
Eric Van Beber
For the Firm